

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

W.S. WILSON LEUNG (CABN 190939)
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-6758
Facsimile: (415) 436-6753
E-Mail: wilson.leung@usdoj.gov

Attorneys for the United States of America

FILED

JUN - 5 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

JOSE ESQUIVEL,

Defendant.

No. 4-12-MJ-70442

STIPULATION AND ~~PROPOSED~~
ORDER DOCUMENTING WAIVER

With the agreement of the parties, and with the consent of the defendant, the Court enters this order vacating the preliminary hearing date of June 6, 2012, setting a new preliminary hearing date for June 29, 2012, at 9:30 a.m., before the duty magistrate judge, extending the time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, and excluding time under the Speedy Trial Act to June 27, 2012. The parties agree and stipulate, and the Court finds and holds, as follows:

1. The defendant, Jose Esquivel, was arrested on or about April 18, 2012, for violating 21 U.S.C. § 841(a)(1) (distribution of heroin). Esquivel was charged in a complaint dated April 19, 2012, and presented to the Court on April 19, 2012, 2012. Ellen Leonida, Esq., was appointed to represent Esquivel. On April 27, 2012, Esquivel was ordered detained pending

1 trial.

2 2. On or about April 27, 2012, due to a conflict, Ms. Leonida withdrew as counsel
3 and Jennifer Schwartz, Esq., was appointed to represent Esquivel. Since Ms. Schwartz's
4 appointment, the parties have been trying to resolve this matter prior to the filing of indictment.
5 These discussions, however, continue, and the parties require additional time to pursue them.
6 Accordingly, after further conferring the parties respectfully request that the June 6, 2012
7 preliminary hearing be continued until July 18, 2012.

8 3. Taking into the account the public interest in the prompt disposition of criminal
9 cases, the above-stated ground is good cause for extending the time limit for a preliminary
10 hearing under Federal Rule of Criminal Procedure 5.1, for the filing period for an indictment, and
11 for excluding time under the Speedy Trial Act. Failure to grant the continuance would deny the
12 defense time for effective preparation and representation by seeking disposition of this matter
13 prior to indictment on agreed-upon terms.

14 4. Accordingly, with the consent of the defendant, the Court hereby: (a) vacates the
15 June 6, 2012 preliminary hearing date and extends the time for a preliminary hearing until June
16 27, 2012, before the duty magistrate judge, at 9:30 a.m.; and (b) orders that the period from today
17 until June 27, 2012 be excluded from the time period for preliminary hearings under Federal
18 Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161.

19 SO STIPULATED:

20
21 DATED: June 4, 2012

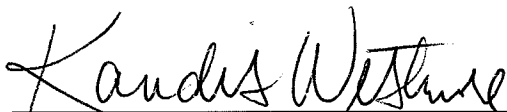
/s/
JENNIFER SCHWARTZ, ESQ.
Attorney for JOSE ESQUIVEL

23 DATED: June 4, 2012

/s/
W.S. WILSON LEUNG
Assistant United States Attorney

26 IT IS SO ORDERED.

27 DATED: June 5, 2012


HON. KANDIS A. WESTMORE
United States Magistrate Judge